

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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GLAXO GROUP LIMITED,	:
	:
Plaintiff,	:
	:
v.	:
	:
TEVA PHARMACEUTICALS USA,	:
INC. and TEVA PHARMACEUTICAL	:
INDUSTRIES LIMITED,	:
	:
Defendant.	:
	:
-----X	

Civil Action No. 04-171-KAJ

**UNOPPOSED MOTION FOR ISSUANCE OF LETTER OF REQUEST TO
THE CANADIAN JUDICIAL AUTHORITY OF QUEBEC, CANADA**

TO:	Mark D. Schuman, Esq.	Josy W. Ingersoll, Esq.
	MERCHANT & GOULD	YOUNG CONAWAY STARGATT
	3200 IDS Center	& TAYLOR
	80 South 8th Street	The Brandywine Building
	Minneapolis, MN 55402	100 West Street, 17th Floor
		Wilmington, DE 19899-0391

Pursuant to Federal Rule of Civil Procedure, Rule 28(b), Glaxo Group Limited ("Glaxo") requests that the Court issue the proposed Letter of Request attached hereto as Exhibit 1 for testimony and documents of Morris Goodman, Chairman and Founder of Pharmascience, Inc., ("Pharmascience") and director of its subsidiary or division PendoPharm, Inc., ("PendoPharm").

Upon information and belief, Glaxo asserts that PendoPharm was created by the merger of PangeoPharma (Canada), Inc., ("Pangeo") and Pharmascience's Consumer Products and Private Label Division. Furthermore, Pangeo was the purchaser of the Novopharm Limited ("Novopharm") (a wholly owned subsidiary of Teva Pharmaceutical

Industries Limited) facility where the formulation, development, and testing of a ranitidine hydrochloride oral solution was first performed. It is also believed that Pangeo may have continued work on the product for Novopharm after its purchase of Novopharm's facility.

Relying upon information provided by defendant Teva Pharmaceuticals USA, Inc. ("Teva"), Glaxo asserts that Pharmascience or PendoPharm is in possession of records documenting Novopharm's (Teva's corporate affiliate) and Pangeo's efforts to develop and test a ranitidine hydrochloride oral solution.

Glaxo has filed this action against defendants alleging infringement of U.S. Patent No. 5,068,249. Infringement in this case is based on the doctrine of equivalents. The formulation, development and testing documents for the ranitidine hydrochloride oral solution developed by Novopharm or Pangeo are relevant to the issue of infringement because it was these earlier formulations that led to the formulation currently proposed by Teva in its Abbreviated New Drug Application now on file with the Food and Drug Administration. Furthermore, the sales and marketing data or forecasts Glaxo seeks are relevant to the issue of validity of the patent.

Efforts to obtain these documents without judicial intervention have failed. (*See* Letters attached to the Letter of Request as Ex. B and Ex. C).

Glaxo requests that the Court execute and certify two endorsed letter requests and return them to counsel to be forwarded to Glaxo's Canadian representative:

Brian R. Daley
Ogilvy Renault LLP
Suite 1100
1981 McGill College Avenue
Montreal, Quebec H3A 3C1
Telephone: (514) 847-4764

Glaxo has conferred with counsel for defendants regarding the relief sought in this motion, and Defendants will not oppose this motion.

Dated: July 29, 2005

/s/ Francis DiGiovanni

Francis DiGiovanni (#3189)
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The Nemours Building
1007 North Orange Street
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Attorneys for Plaintiff Glaxo Group Limited

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**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

CERTIFICATE OF SERVICE

I, hereby certify that on the July 29, 2005, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following and I hereby certify that we have served via Hand Delivery a copy of said document to:

Josy W. Ingersoll, Esq.
Young Conway Stargatt & Taylor
The Brandywine Building
1000 West Street, 17th Floor
P.O. Box 391
Wilmington, DE 19899

I hereby certify that on this same date, I have mailed by United States Postal Service, the document(s) to the following non-registered participant:

Mark D. Schuman, Esq.
Merhant & Grould LLC
3200 IDS Center
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/s/ Francis DiGiovanni
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